

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

OCT 12 2010

JULIA G. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

DAVID TONY MOORE,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

Case No. 1:08-CR-00035

**FINAL ORDER**

By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby  
**ORDERED** and **ADJUDGED** that Respondent's Motion to Dismiss (Dkt No. 211) is  
**GRANTED**; the Petitioner's motion pursuant to 28 U.S.C. § 2255 (Dkt No. 193) is  
**DISMISSED**; and this action shall be **STRICKEN** from the active docket of this court.

The Clerk is directed to send a certified copy of this Order and the accompanying  
Memorandum Opinion to Petitioner and to counsel for the United States.

ENTER: This 8<sup>th</sup> day of October, 2010.

*[Signature]*  
Senior United States District Judge